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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF LOUISIANA
 MONROE DIVISION

U.S. DISTRICT COURT
 WESTERN DISTRICT OF LOUISIANA
 RECEIVED

MAR 13 2020

TONY R. MOORE, CLERK
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UNITED STATES OF AMERICA : CRIMINAL NO

3:19-CR-00033-01

VERSUS

: JUDGE DOUGHTY

CHRISTOPHER JOE STAMPER; MAGISTRATE HAYES

MOTION TO WITHDRAW PLEA / NEW EVIDENCE /
 THREATENED AND COERCED / INEFFECTIVE
 ASSIST WITH COUNSEL

(1)

The defendant is aware that according to U.S. v. Ogbanna, he does not have a "Constitutional right to hybrid representation." And according to U.S. v. Alvarado, "he is not entitled to file prose motions on his behalf." However, due to mitigating circumstances the petitioner prays that this Honorable Court consider these following facts.

(2.)

Further information and new evidence has developed that will assist him in his defense.

(3.)

New Evidence - There are two written confessions from Tiffinie C. Hale, that she is in fact guilty of all indictments both State of Louisiana and United States, against the defendant Christopher Joe Stamper. There are also several written witness statements that Tiffinie C. Hale, verbally confessed to committing the following offenses on his devices.

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- ① COERCION AND ENTICEMENT
- ② RECEIPT OF CHILD PORNOGRAPHY
- ③ POSSESSION OF CHILD PORNOGRAPHY

TWO COUNTS.

- ④ FIVE COUNTS OF RECEIPT OF CHILD PORNOGRAPHY. (LA)
- Tiffinie C. Hale, further states that Christopher Joe Stamper, had no involvement or knowledge of the above offenses.

④.

Threatened and coerced Walter M. Caldwell, wrote a letter to the defendant stating that the A.U.S.A. did not believe that the verbal recorded confession from Tiffinie C. Hale on Feb. 19, was ~~is~~ about the 11 year old victim and that even if she were the A.U.S.A. believes the statement from Tiffinie C. Hale is a "Half Hearted Attempt" to save the defendant. In addition, Walter M. Caldwell, later told the defendant that as a result of the A.U.S.A. not believing the Tiffinie C. Hale confession that he could not use the confession as a defense and "That He would More Than Likely Lose In Trial," "Receive The Maximum Sentence Allowed" And "His Children would Be Placed In State's Custody" Thus resulting in the defendant signing the written Factual Basis and giving a verbal confession in open Court. Due to the way the above mentioned information was delivered to the defendant it was in fact THREATENING.

(5.)

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Also, the defendant asked his appointed Counsel was there anyway to prove his innocence and his Counsel plainly stated:

"NO, INNOCENT MEN GO TO PRISON EVERY DAY."

When the defendant asked his Counsel for advice Mr. Caldwell, told him if he took the 5-20 Year plea that he would more than likely get the minimum and be transferred to Fort Worth Medical Center where he would receive the necessary medical treatment for his two terminal illnesses, (i.e.) Arnold Chiari Malformation (Type 1), Lupus (SLE). The delivery of this information was intentionally used in a promising way to persuade the defendant into accepting the plea and the defendant was in fact COERCED.

⑥

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INEFFECTIVE ASSIST WITH COUNSEL —

The defendant has proof that his appointed Counsel Walter M. Caldwell, has violated his 5th, 6th, and 14th Amendment Rights by not providing him with Effective Assist With Counsel. According to Strickland v. Washington, 466 U.S. 668 (1984).

- ① "Counsel's performance was deficient, in that it fell below an objective standard of reasonableness."
- ② "The deficient performance prejudiced him,"
Id. at 687.
- A. Defendants Counsel, Walter M. Caldwell, filed multiple motions of which the defendant did not ask his Counsel to file, nor did Counsel inform him he was doing so. For instance, the motion concerning the defendant's "Mental Competency", was in fact "below an objective standard of reasonableness" due to the fact that the defendant never claimed to be "Mentally Incompetent", nor did he and Mr. Caldwell, discuss and agree to use this as a line of defense.
- B. Mr. Caldwell, filed a "Motion To withdraw plea" on the grounds of "Mental Incompetency" Again, Mr. Caldwell's, "performance was deficient, in that it fell below an objective standard of reasonableness" due to the fact that the defendant signed legal documents declaring his Mental Competence. Also, two expert psychologists concluded that the defendant is in fact "Mentally Competent".

- (C.) Mr. Caldwell, failed to file a "Motion For Preliminary Examination" to allow this Honorable Court the Opportunity to decide if it would allow the Verbal Recorded Confession into trial as evidence Supporting the defendant's Original and Continued Claim of innocence.
- (D.) Also, Mr. Caldwell's, failure to file a "Motion To Withdraw Plea" on the grounds of "New Evidence" (i.e.) Two Written Confessions and Multiple Written Witness Statements Supporting the Confession, did in fact "prejudice him" in that this Honorable Court DENIED the defendant's pro se motion due to the fact that his motion was improperly and poorly prepared due to the defendant's ignorance and lack of experience in filing pro se motions. In fact, Mr. Caldwell, still blatantly refuses to "effectively assist" his Client with filing a proper "Motion To Withdraw plea."
- (E.) While the defendant was undergoing his psychiatric evaluation at Fort Worth Medical Center he read in the prison law library that since he does in fact have terminal illnesses that he qualifies for a reduced Sentence under the "Compassionate Release" law during his Original Sentencing. Again, Mr. Caldwell, refuses to file the proper motion that will "effectively assist" his Client in receiving a possible reduction of Sentence. Again this does in fact "Prejudice him!"

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⑥ In Conclusion Concerning "Ineffective Assist with Counsel," in Mr. Caldwell's, Opposition to the Presentencing Investigative Report, he basically states that the defendant is in disagreement with the "Victim Impact." First, the defendant is a father of a daughter close to the age of the victim and believes the United States Probation's, Victim Impact Report, is an understatement to say the least. Second, the thought of the defendant blaming that little girl for being victimized, let alone him having the audacity to imply it's her fault is absurd. And not only does Mr. Caldwell's report "prejudice him", it makes the defendant who has proof that he is in fact innocent of all charges against him look like a ruthless, heartless, and soulless demon. And the defendant assures this Honorable Court that he never stated anything anywhere near what his appointed Counsel Mr. Walter M. Caldwell, has implied in his response.

⑦

Due to the aforementioned information and facts. The petitioner humbly and respectfully request that this Honorable Court will order a hearing on this "Motion To Withdraw Plea" at the defendant's next scheduled Court appearance on April 1, 2020.

Respectfully submitted

~~C. J. Fox~~

Pro Se 3/11/2020